

USDA  
OALJ/OHC

November 17, 2005

2005 NOV 30 AM 9:39

RECEIVED

Docket Clerk  
Marketing Order Administration Branch  
Fruit and Vegetable Programs, AMS, USDA  
1400 Independence Ave, SW  
Stop 0237  
Washington, DC 20250



Desert Fresh, Inc.  
Sales, Shipping  
& Farm Management

P.O. Box 878  
1684 Ninth Street  
Coachella, CA 92236

(760) 398-1808  
Fax (760) 398-2869

e-mail:  
grapes@desertfresh.com

Dear Sirs,

Re: AMS Proposed Rule  
Docket No. FV03-925-1PR  
Federal Register Notices of May 25, 2005, p. 30001;  
July 25, 2005, p. 42513; and September 27, 2005, p. 56378

Quality standards in table grapes are for the benefit and protection of consumers. The issue then is the time when imported grapes should be required to meet the same minimum standards for quality that are applied to Southern California farmers of table grapes.

Logically, for the benefit of the consumer, such a minimum standard should always be in effect. However, since this is not politically feasible at this time, the most equitable action would be to insure that uninspected foreign grapes are never in direct competition with inspected and certified domestic grapes. To achieve that purpose, an April 1<sup>st</sup> inspection date is necessary. The current April 20 date allows substandard fruit to be on the market at the same time as certified fruit due to unsold inventories of foreign fruit, the fact that the foreign grapes are often held in storage for over one month, and also the lag time between arrival at port and arrival at final point of sale.

Is there any reason not to apply minimum quality standards on April 1<sup>st</sup>? Who would be harmed by the application of such standards? Certainly not the American consumer who would have some protection against deception and unfit grapes. Certainly not the American farmer who can compete with anyone if the competition is fair and on the same terms. Certainly not the Chilean table grape industry which is a very large and sophisticated industry, and certainly not the U.S. ports because Chile has proven its ability to export quality grapes when required.

The same arguments put forth by the Chileans were made by the Mexican table grape industry in the 80's against minimum standards for their imports. And



Desert Fresh, Inc.

since the time imports from Mexico have been covered by the marketing order their industry has flourished, growing an astounding 600%. This example disproves every specious argument being made against this proposal, and I urge the Department to look at this case in point when sifting through the data.

No double standard is being asked for in this proposal. The standard is not difficult to achieve since farmers in California's Coachella Valley have been meeting minimum standards as defined by the marketing order for almost 40 years. Chilean exporters have been able to comply with the standard during the time period the marketing order is in effect. The problem is that many Chilean table grapes are substandard by the time they reach our retail stores, and this causes a major problem for our domestic industry.

The purpose of this rule is to ensure that no substandard imported table grapes are in our retail market just prior to and during production and harvesting of Coachella Valley table grapes. Thus, the same standard that applies to grapes from the Coachella Valley would be applied to grapes imported from Chile so that the consumer may be assured a sweet grape and the farmer may compete fairly. The only person harmed by such a requirement is the individual who wants to sell substandard fruit to consumers in the United States. That individual does not merit the protection of the United States government.

My family has been growing table grapes in the Coachella Valley for over sixty five years. We are not asking more from the farmers of imported grapes than we ask of ourselves. High standards for quality benefits everyone, the consumer, the American farmer and also the Chilean farmer because it will create higher demand for his product. We urgently request the Department to establish April 1<sup>st</sup> as the date when we must all meet these quality standards.

Sincerely,

Blaine Carian  
Vice President, Desert Fresh Inc.